

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

THE PROTECT DEMOCRACY PROJECT, INC.,

Plaintiff,

v.

U.S. NATIONAL SECURITY AGENCY,  
OFFICE OF THE DIRECTOR OF NATIONAL  
INTELLIGENCE, AND U.S. DEPARTMENT OF  
JUSTICE,

Defendants.

No. 1:17-cv-01000-CKK

**ANSWER TO AMENDED COMPLAINT**

On August 7, 2017, Plaintiff The Protect Democracy Project, Inc., filed an Amended Complaint in the above-captioned matter. *See* ECF No. 12. Defendants, the U.S. National Security Agency (“NSA”), the Office of the Director of National Intelligence (“ODNI”), and the U.S. Department of Justice (“DOJ”), by and through undersigned counsel, hereby answer the numbered paragraphs of Plaintiff’s Amended Complaint as follows:

1. This paragraph consists of Plaintiff’s legal conclusions regarding jurisdiction, to which no response is required.
2. This paragraph consists of Plaintiff’s legal conclusions regarding venue, to which no response is required.
3. This paragraph consists of Plaintiff’s characterization of itself and its work. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

4. Defendants admit the allegations set forth in the first two sentences of this paragraph.

The remaining sentence consists of a legal conclusion to which no response is required.

5. Defendants admit the allegations set forth in the first two sentences of this paragraph.

The remaining sentence consists of a legal conclusion to which no response is required.

6. Defendants admit the allegations set forth in the first two sentences of this paragraph.

The remaining sentence consists of a legal conclusion to which no response is required.

7. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

8. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

9. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

10. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

11. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendants respectfully refer the Court to the cited television interview for a complete and accurate statement of its contents.

12. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. Defendants respectfully refer the Court to the cited article for a complete and accurate statement of its contents.

13. Defendants respectfully refer the Court to the cited article for a complete and accurate statement of its contents. The paragraph also contains legal conclusions to which no response is required.

14. Defendants admit that the NSA received a FOIA request from Plaintiff dated April 21, 2017, which Plaintiff has attached as Exhibit A to its Amended Complaint. Defendants respectfully refer the Court to that request for a complete and accurate statement of its contents.

15. Defendants admit that Plaintiff's FOIA request sought a fee waiver, and respectfully refer the Court to that request for a complete and accurate statement of its contents.

16. Admit.

17. Defendants admit that the NSA sent Plaintiff a letter dated May 1, 2017, which Plaintiff has attached as Exhibit B to its Amended Complaint. Defendants respectfully refer the Court to that letter for a complete and accurate statement of its contents.

18. This paragraph consists of legal conclusions to which no response is required.

19. Denied except to admit that as of the date of the Amended Complaint, Defendants had not produced records nor made a fee waiver determination for Plaintiff's request to NSA.

20. Defendants admit that ODNI received a FOIA request dated May 22, 2017, which Plaintiff has attached as Exhibit C to its Amended Complaint. Defendants respectfully refer the Court to that request for a complete and accurate statement of its contents.

21. Defendants admit that Plaintiff's FOIA request sought a fee waiver, and respectfully refer the Court to that request for a complete and accurate statement of its contents.

22. Admit.

23. Defendants admit that ODNI sent Plaintiff a letter dated May 24, 2017, which Plaintiff has attached as Exhibit D to its Amended Complaint. Defendants respectfully refer the Court to that letter for a complete and accurate statement of its contents.

24. This paragraph consists of legal conclusions to which no response is required.

25. Denied except to admit that as of the date of the Amended Complaint, Defendants had not produced records responsive to Plaintiff's request to ODNI.

26. Defendants admit that DOJ received a FOIA request from Plaintiff dated April 21, 2017.

27. Defendants admit that DOJ received a FOIA request from Plaintiff, which Plaintiff has attached as Exhibit E to its Amended Complaint. Defendants respectfully refer the Court to the request for a complete and accurate statement of its contents.

28. Defendants admit that Plaintiff's FOIA request sought a fee waiver, and respectfully refer the Court to that request for a complete and accurate statement of its contents.

29. Admit.

30. Defendants admit that DOJ's Criminal Division sent Plaintiff a letter dated April 28, 2017, which Plaintiff has attached as Exhibit F to its Amended Complaint. Defendants respectfully refer the Court to that letter for a complete and accurate statement of its contents.

31. Defendants admit that DOJ's Office of Information Policy sent Plaintiff a letter dated June 6, 2017, which Plaintiff has attached as Exhibit G to its Amended Complaint. Defendants respectfully refer the Court to that letter for a complete and accurate statement of its contents.

32. Defendants admit that DOJ's National Security Division sent Plaintiff a letter dated May 4, 2017, which Plaintiff has attached as Exhibit H to its Amended Complaint. Defendants respectfully refer the Court to that letter for a complete and accurate statement of its contents.

33. Defendants admit that FBI sent Plaintiff a letter dated June 2, 2017, which Plaintiff has attached as Exhibit I to its Complaint. Defendants respectfully refer the Court to that letter for a complete and accurate statement of its contents. Defendants admit that the FBI denied Plaintiff's request for a fee waiver.

34. This paragraph consists of legal conclusions to which no response is required.

35. Denied except to admit that as of the date of the Amended Complaint, Defendants had not produced records responsive to Plaintiff's request to DOJ.

36. Defendant asserts and re-incorporates its responses to all preceding paragraphs of the Amended Complaint.

37. This paragraph consists of a legal conclusion to which no response is required.

38. Defendant asserts and re-incorporates its responses to all preceding paragraphs of the Amended Complaint.

39. This paragraph consists of a legal conclusion to which no response is required.

40. Defendant asserts and re-incorporates its responses to all preceding paragraphs of the Amended Complaint.

41. This paragraph consists of a legal conclusion to which no response is required.

The remaining unnumbered paragraph, which includes subparts (1) through (7), constitutes a prayer for relief to which no response is required. To the extent a response is deemed necessary, Defendants deny that Plaintiff is entitled to the relief requested or to any relief whatsoever.

Defendants hereby deny all allegations in Plaintiff's Amended Complaint not expressly admitted or denied.

#### **AFFIRMATIVE DEFENSES**

1. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions to the Freedom of Information Act, 5 U.S.C. § 552.

Dated: August 18, 2017

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Branch Director

/s/ Anjali Motgi

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2017, a copy of the foregoing pleading was filed electronically via the Court's ECF system which sent notification of such filing to counsel of record for Plaintiff.

/s/ Anjali Motgi  
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